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09/676,487	10/02/2000	Hirotaka Matsumoto	Q61016	4933	
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Sughrue Mion Zinn Macpeak & Seas PLLC 2100 Pennsylvania Avenue NW			EXAMINER		
Washington, DC 20037-3202			THORNTON, YVETTE C		
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Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application No. Og676,487 MATSUMOTO ET AL.							H
Examiner Yvette C. Thornton 1752 175			Ap	oplication No.		Applicant(s)	
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply specified above is less than thirty (30) days, a reply within the standary minimum or thirty (50) days with the considerance of the period for reply specified above is less than thirty (30) days, a reply within the standary minimum or thirty (50) days be considered finely. If the period for reply specified above is less than thirty (30) days, a reply within the standary minimum or thirty (50) days with the standary with the standary minimum or thirty (50) days with the standary with the standary minimum or thirty (50) days with the standary with the standary with the standary with the standary minimum or thirty (50) days with the standary with the standary minimum or thirty (50) days with the standary minimum or thirty (50) days and standary minimum or thirty (50) days and the standary minimum or th			0:	9/676,487		MATSUMOTO ET	AL.
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Application/Control Number: 09/676,487

Art Unit: 1752

DETAILED ACTION

This is written in reference to application number 09/676487 filed on October 2, 2000.

Request for Continued Examination (RCE)

1. The request filed on May 19, 2003 for a Request for Continued Examination (RCE) under 37 CFR 1.53(d) based on parent Application No. 09/676487 is acceptable and a RCE has been established. An action on the RCE follows.

Response to Amendment

- 2. Claims 1 and 3-24 are currently pending. Claims 3-8 and 11-20 have been withdrawn to non-election inventions.
- 3. The amendment to the instant claims is sufficient to overcome the rejection of the claims under 35 USC 112, 1st paragraph as set forth in paper number 11.

Claim Rejections - 35 USC § 112

4. Claims 1, 9-10 and 21-24 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for compounds of general formula 4 wherein G1 and G2 together form a substituted heterocycle, does not reasonably provide enablement for compounds of given formula 8 which are substituted with monovalent groups. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make all embodiments of the invention commensurate in scope with these claims. The instant specification provides for the use of some monovalent groups such as -Cl, -SO₂CH₃ and -H (pg. 25, pg. 44, compounds 62-65), it does not provide for the use of ALL monovalent groups.

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1 and 21 are rejected under 35 U.S.C. 103(a) as being obvious over Sorori et al. (US 6468711 B1). Sorori exemplifies in comparative example 1-2, a lithographic printing plate prepared by coating an aluminum plate with a photosensitive composition comprising (1) an ethylenically unsaturated compound; (2) a binder; (3) a titanocene photoinitiation

compound; and (4) a sensitizing dye (H-2) having the structure:

(c. 51, l. 40-c. 54, l. 35). It is the examiner 's position that taught compound H-2 meets the limitation of claimed formula (8) when R^1 and R^2 are aliphatic ethyl groups; Q^3 is S; m is 1; R^h is ethyl; and R^{d-g} are each hydrogen. The said comparative example serves to establish that compound (H-2) is well known and conventional in the art. Sorori further teaches that a cosensitizer can be used in combination with the sensitizing dye in order to improve sensitivity

(c. 41, l. 9-c. 43, l. 35). A preferred example includes

15-20, ex. 1-25). It is the examiner's position that compound (H-6) meets the limitations of

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claimed formula (A) when $R_a^{1.3}$ are each an aromatic phenyl group; R_a^{4} is an aliphatic butyl group and Y represents a cation. It would have been obvious to one of ordinary skill in the art, in light of the teachings of Sorori to add a co-sensitizer such as the preferred compound

(H-6) into a composition, which is well known and conventional in the art such as that represented by comparative example 1-2 in order to improve the sensitivity of

the composition.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention

٠,٠, Page 5 Application/Control Number: 09/676,487 Art Unit: 1752 was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2). Response to Arguments Applicants argue that support for claimed formula 8 is found on page 25 of the 8. specification. The examiner has found support for the said formula on pages 25-28 and in compounds 62-65 on page 44 of specification. Conclusion The prior art made of record and not relied upon is considered pertinent to applicant's 9. disclosure. Sakurada et al. (JP 08-211552 A, machine translation) pertaining to a silver halide photographic sensitive material containing hexamethylenemerocyanine compound. Any inquiry concerning this communication or earlier communications from the 10. examiner should be directed to Yvette C. Thornton whose telephone number is 703-305-0589. The examiner can normally be reached on Monday-Thursday 8-6:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's 11. supervisor, Janet C. Baxter can be reached on 703-308-2303. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications. Any inquiry of a general nature or relating to the status of this application or 12. proceeding should be directed to the receptionist whose telephone number is 703-308-1495.

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Yvette Clarke Thornton

Junior Examiner Art Unit 1752

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June 27, 2003